



## **SPECIAL LAND USE PERMIT APPLICATION ANALYSIS**

**ZONING CASE #:** Z2014-01

**LEGISTAR #:** 20140092

**PROPERTY OWNER:** JJS DEVELOPMENTS, LTD  
2450 Lawrence Avenue East  
Scarborough, Ontario, Canada M1P 2R7

**APPLICANT:** John F. Flynn  
1700 Harlington Road  
Smyrna, GA 30082

**PROPERTY ADDRESS:** 925 Industrial Park Drive

**PARCEL DESCRIPTION:** Land Lot 09990, District 16, Parcel 0260

**AREA:** 1.589 ac. **COUNCIL WARD:** 5

**EXISTING ZONING:** HI (Heavy Industrial)

**REQUEST:** Special Land Use Permit (SLUP) for computer/electronics glass and plastics recycling

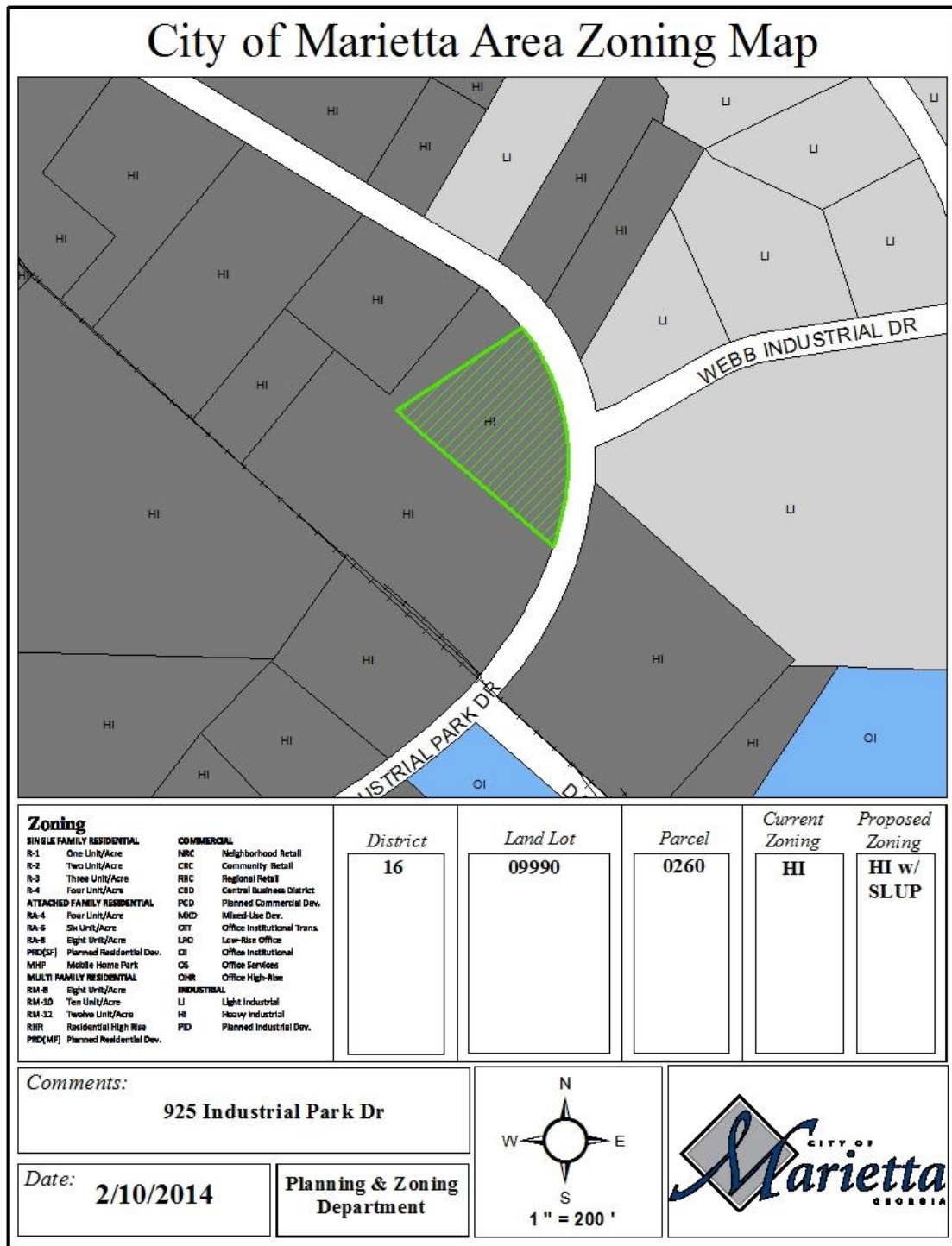
**FUTURE LAND USE MAP**

**RECOMMENDATION:** IM (Industrial Manufacturing)

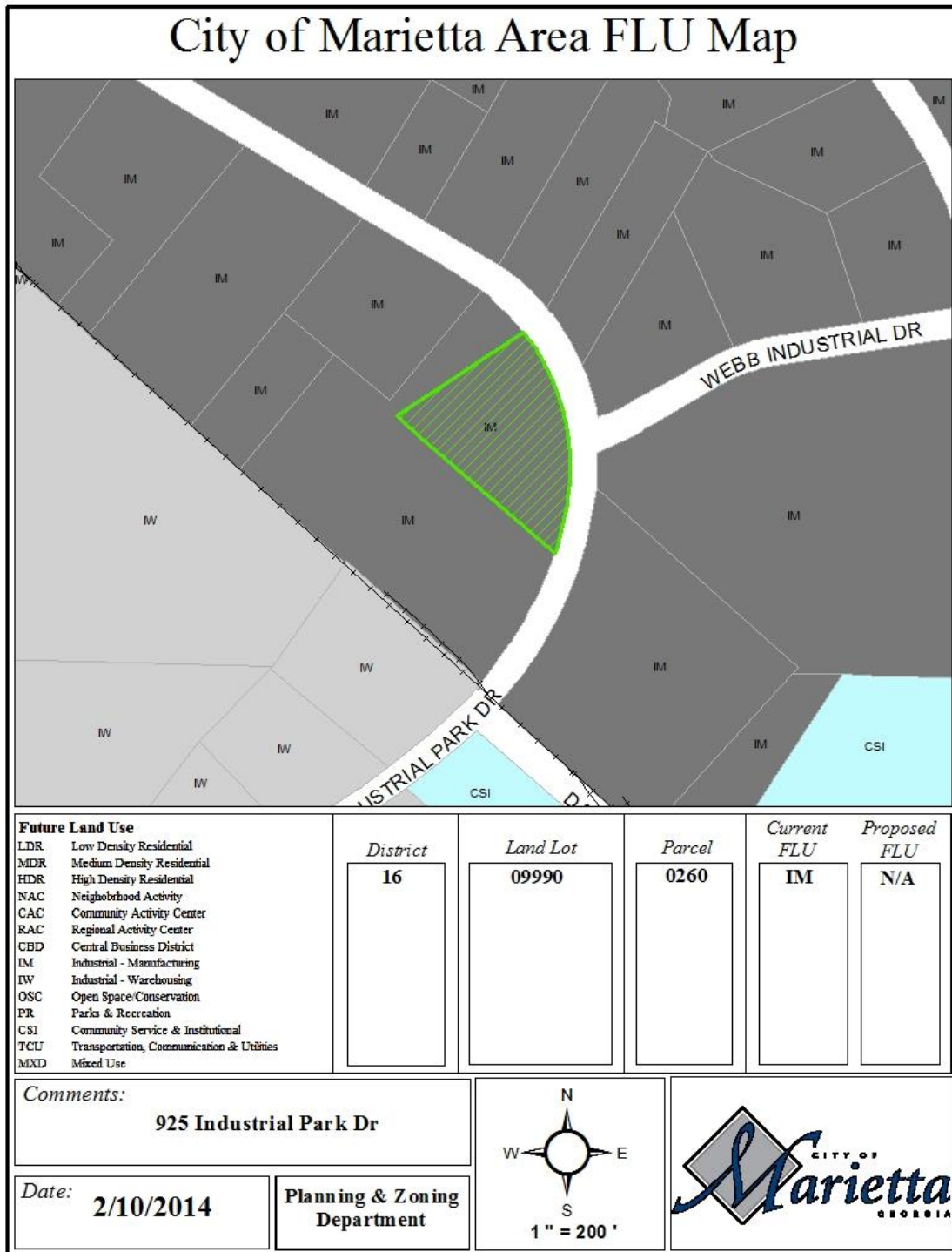
**PLANNING COMMISSION HEARING:** Tuesday, March 4, 2014 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, March 12, 2014 – 7:00 p.m.

## MAP



## MAP



**PICTURES OF PROPERTY**



925 Industrial Park Drive – front of building



Front view looking southeast





Front view of building side



Demolished building site. Proposed location for new addition to existing building.



Front of building and proposed location for new building addition.



## STAFF ANALYSIS

### *Location Compatibility*

The applicant, John F. Flynn, petitioner for the owner, JJS Developments, LTD, is requesting a special land use permit (SLUP) to allow for a facility that converts mixed plastics, glass and silicon into commercial concrete forms - such as planters, parking curbs and picnic benches - at 925 Industrial Park Drive. The property is approximately 1.589 acres and is currently zoned HI (Heavy Industrial). The subject property is located in the Marietta Cobb Industrial Park where the surrounding properties are predominately zoned HI (Heavy Industrial), but there are some properties zoned LI (Light Industrial). Walker School is located to the southeast, and all of their properties are zoned OI (Office Institutional). A special land use permit to allow computer and electronics recycling was previously considered for this property in August 2013, but City Council voted to deny the request.

### *Use Potential and Impacts*

The applicant has submitted a site plan indicating the applicant's intention to build an 80' X 80' addition to the front of the existing building. Building permit records show that previously there was a 30' X 72' metal building in the same area, but it was demolished last year, along with a large concrete pad. Earlier pictures of the site show that the concrete pad lay between the existing building and the demolished building; and this area was used for outside storage, but was not visible from the street. The applicant proposes to construct the new addition to the existing building in the same area. The site plans indicate that the concrete pad area would no longer exist, but a truck dock is to be added to the southernmost part of the new building addition. The new building addition is intended to accommodate the operation of the mixed plastic, glass and silicon conversion business that is contingent upon City Council's decision.

The applicant has provided a brief overview of the mixed plastic, glass and silicon conversion operation that is proposed. Business Licenses records indicate that in 2009 and 2010, an electronic recycling business, an electronic recycling business, Recycletronics at Tommy Nobis, operated a recycling business at the subject property.

The FLU (Future Land Use) designation of the subject property is IM (Industrial Manufacturing). The IM designation is intended to provide areas that can support industrial uses, which may create by-products that are known to negatively impact adjacent uses. The Comprehensive Plan lists HI as a compatible zoning district for the IM designation.

### *Environmental Impacts*

There is no indication that any streams, floodplains, wetlands, or endangered species exist on the property. Although there was mention of environmental complaints filed against this company at the City Council hearing on August 14, 2013, further research appears to indicate that the company has maintained good status with environmental agencies with both the United States government and the government of Canada, as they have facilities in both countries.

### *Economic Functionality*

The subject property is currently vacant. According to submitted documents, the property has been vacant for two years. A business named “Recycletronics at Tommy Nobis” operated a recycling business from 2009 to 2010 at the subject property. Most recently, Molam International, Inc. used the property for a wholesale computer business.

As currently zoned, the subject property has a reasonable economic use as it is located in an industrial business park and is zoned for high intensity industrial uses.

### *Infrastructure*

The applicant has provided information regarding the proposed building addition, along with information on the glass and silicon conversion operation. This type of operation is not expected to have major impacts on the existing infrastructure in the area; nor is it expected to have any impact on the water and sewer system or electricity infrastructure in the area.

As indicated on the site plan, the proposed building addition will not encroach into the existing sewer easement on the property.

According to comments from Marietta BLW, the plan cannot be approved as shown on the drawing, as the proposed building addition encroaches into sewer easement.

### *History of Property*

In October 1983, a variance (V-830533) was approved on the side and rear setbacks to construct a building addition.

- Reduction of the side setback on the southwest side from 20 ft. to 12 ft.
- Reduction of the rear yard setback from 40 ft. to 14 ft.



### *Other Issues*

At the time of the previous application, the following conditions were discussed for consideration:

1. Special Land Use Permit is specifically limited to the recycling of mixed plastics, glass and silicon “upcycling”, as indicated in the attached information.
2. Hours of operation to be limited to 8:00am to 6:00pm, Monday through Friday.
3. No outside storage is allowed.
4. The two (2) silos located outside the main structure must keep all material fully enclosed.
5. All building and/or structures on the site shall be fully enclosed.
6. No dust or residue shall be released into the air outside of the structures.

The following are the criteria for determining a site’s eligibility for a Special Land Use Permit, as specified in Section 712.01 (E):

1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
2. Whether or not the use is compatible with the neighborhood.
3. Whether or not the proposed use will constitute a nuisance as defined by state law.
4. Whether or not property values of surrounding property will be adversely affected.
5. Whether or not adequate provisions are made for parking and traffic considerations.
6. Whether or not the site or intensity of the use is appropriate.
7. Whether or not adequate provisions are made regarding hours of operation.
8. The location or proximity of other similar uses (whether conforming or nonconforming).
9. Whether or not adequate controls and limits are placed upon commercial deliveries.
10. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.
11. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.

## ANALYSIS & CONCLUSION

The applicant, John F. Flynn, petitioner for the owner, JJS Developments, LTD, is requesting a special land use permit (SLUP) to allow for a facility that converts glass and silicon into commercial concrete forms - such as planters, parking curbs and picnic benches - at 925 Industrial Park Drive. The property is approximately 1.589 acres and is currently zoned HI (Heavy Industrial). The subject property is located in the Marietta Cobb Industrial Park where the surrounding properties are predominately zoned HI (Heavy Industrial), but there are some properties zoned LI (Light Industrial). Walker School is located to the southeast, and all of their properties are zoned OI (Office Institutional).

The applicant has submitted a site plan indicating the applicant's intention to build an 80' X 80' addition to the front of the existing building. The site plans indicate that a truck dock is to be added to the southernmost part of the new building addition. The new addition would be necessary to accommodate the operation of the glass and silicon conversion business, contingent upon City Council's decision.

The FLU (Future Land Use) designation of the subject property is IM (Industrial Manufacturing). IM designation is to provide areas that can support industrial uses, which may create by-products that are known to negatively impact adjacent uses. The Comprehensive Plan lists HI as a compatible zoning district.

The following stipulations may be considered as conditions of zoning:

1. Special Land Use Permit is specifically limited to the recycling of mixed plastics, glass and silicon "upcycling", as indicated in the attached information.
2. Hours of operation to be limited to 8:00am to 6:00pm, Monday through Friday.
3. No outside storage is allowed.
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Prepared by: \_\_\_\_\_

Approved by: \_\_\_\_\_

## DATA APPENDIX

### ***CITY OF MARIETTA - WATER***

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	n/a
Size of the water line?	10-inch
Capacity of the water line?	Available
Approximate water usage by proposed use?	Not provided

### ***CITY OF MARIETTA - SEWER***

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	n/a
Size of the sewer line?	10-inch
Capacity of the sewer line?	Available
Estimated waste generated by proposed development?	A.D.F      Peak
Treatment Plant Name?	Not provided
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County



## DATA APPENDIX CONTINUED

### Drainage and Environmental Concerns

Does flood plain exist on the property?	No
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Sope Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No

### Transportation

What is the road affected by the proposed change?	Industrial Park Drive
What is the classification of the road?	Local
What is the traffic count for the road?	No data available
Estimated number of cars generated by the proposed development? **	Insufficient data provided
Estimated number of trips generated by the proposed development? **	---
Do sidewalks exist in the area?	No
Transportation improvements in the area?	No
If yes, what are they?	---

- Site plans will be required for construction. Site plans must include parking, driveways, streets & erosion-sedimentation and pollution control plan. If 5000 sq. ft. or greater new or replacement impervious, stormwater management (preventing concentrated flows from adjacent lots roads, and areas), stormwater quality (bioretention or other on each lot), and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.

### ***EMERGENCY SERVICES***

Nearest city or county fire station from the development?

Marietta Station 56

Distance of the nearest station?

0.8 miles

Most likely station for 1<sup>st</sup> response?

Marietta Station 56

Service burdens at the nearest city fire station (under, at, or above capacity)?

None

### ***MARIETTA POWER - ELECTRICAL***

Does Marietta Power serve this site?

Yes X

No \_\_\_\_\_

If not, can this site be served?

Yes \_\_\_\_\_

No \_\_\_\_\_

What special conditions would be involved in serving this site?

Additional comments: